

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

HILDA L. SOLIS, Secretary of the United
States Department of Labor,

PLAINTIFF

NO: 4:10-cv-77-DPJ-FKB

v.

HERBERT C. BRUISTER, *et al.*

DEFENDANTS

MOTION TO CONSOLIDATE FOR PURPOSES OF THIRD-PARTY DISCOVERY

Defendants Herbert C. Bruister, Amy O. Smith, J. Michael Bruce, and Jonda C. Henry (collectively, the “Defendants”), by counsel and pursuant to Rule 42 of the Federal Rules of Civil Procedure and Rule 42 of the Local Uniform Civil Rules of the United States District Court for the Southern District of Mississippi, hereby move this Court to consolidate this case with *Rader v. Bruister, et al.*, Civil Action No. 4:10-CV-95-HTW-LRA (“Rader”) for purposes of conducting third-party discovery.

Consolidation of this case and the Rader case for the limited purpose of completing third-party discovery is appropriate and permissible. Both cases involve similar legal claims against some of the same defendants, and there are numerous common issues of law and fact. As a result, counsel for Defendants (in both cases) have repeatedly requested that the parties coordinate the scheduling of depositions, particularly with respect to third-party witnesses, so that the very same witnesses will not have to be deposed twice on the very same issues during the very same time frame.

In support of their Motion, the Defendants submit the accompanying Memorandum of Points and Authorities.

Local Uniform Civil Rule 7(b)(10) Certification

As is more fully set forth in the accompanying Memorandum of Points and Authorities in support of this Motion, the Plaintiff herein and the Rader Plaintiffs do not consent to the requested relief in this Motion.

WHEREFORE, Defendants Herbert C. Bruister, Amy O. Smith, Jonda C. Henry, and J. Michael Bruce, respectfully request this Court to grant their motion to consolidate the discovery of the third-party witnesses in this case and the Rader case.

Dated: May 25, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May 2011, a true and correct copy of the foregoing document was served upon the following parties via operation of the Court's ECF system.

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